

REMARKS

Reconsideration and allowance are respectfully requested in view of the amendments and remarks herein. Claims 1-10, 12-15, 17-20, and 22-25 are now pending. No new matter is added.

Allowed Claims

Applicants acknowledge the Examiner's indication that claims 1-10 and 12-14 are allowed, and that claim 21 would be allowable if rewritten in independent form.

Drawings

The drawings are objected to on the basis that the content of Figs. 23-45 does not match the description in the specification. Applicants request that the drawings be amended in accordance with the replacement sheets (Figs. 18-44) submitted herewith. In particular, Fig. 18 of the most recent version of the drawings is removed, and Figs. 19-45 are renumbered as Figs. 18-44 to be consistent with the drawings and specification as originally filed. Also, various element numbers in the attached Figs. 18-44 have been corrected to be consistent with the drawings and specification as originally filed. No new matter is added.

In addition, various portions of the textual specification have been amended to correct minor typographical errors therein. These corrections are apparent from the specification and drawings as originally filed. No new matter is added.

In view of the amendments to the drawings and the textual specification, it is believed that this objection is overcome.

Claim Rejections

Claims 15 and 16 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,532,632 to Kent ("Kent"). Claims 17-20 and 22-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,665,218 to Meier, et al. ("Meier") in view of U.S. Patent No. 6,636,978 to Kirihata, et al. ("Kirihata").

Independent Claim 15

Independent claim 15 has been amended to further clarify differences from Kent. As amended, claim 15 recites a decision portion configured to make sequential decisions as to whether to increase, decrease, or maintain a delay amount; and a smoothing portion

configured to increase, decrease, or maintain the delay amount based on at least two of the sequential decisions made by the decision portion.

In its rejection of now-canceled claim 16, the Office Action compares the two sequential decisions with Kent, which samples “early” and “late” XOR gates 28 and 30 representing NEAR-EARLY and NEAR-LATE intervals, respectively. Kent, col. 4, lines 22-47, and Figs. 1 and 4. In Kent, decisions whether to modify the delay amount are made in accordance with outputs from the early and late XOR gates.

It appears that the Office Action is comparing a first one of the recited decisions with a decision based on the early XOR gate output, and a second one of the recited decisions with a decision based on the late XOR gate output. However, Kent does not make two decisions to modify the delay, one based on the early XOR gate output and the other based on the late XOR gate output. In Kent, a single decision to modify the delay is made based on both the early and late XOR gate outputs. This is evidenced by the fact that the XOR gate outputs are stored in flip flops 42 and 44 for later analysis. Kent, col. 4, lines 32-34. Moreover, it is clear from Fig. 1 that flip flops 42 and 44 themselves (from which any decision would be based) are sampled simultaneously, not sequentially with respect to each other. Thus, while Kent may sample data before and after the active edge of the clock, only a single decision to modify the delay is made for each clock cycle.

For at least this reason, it is submitted that Kent fails to teach or suggest a smoothing portion configured to increase, decrease, or maintain the delay amount based on at least two sequential decisions to increase, decrease, or maintain the delay amount, as recited in claim 15.

Independent Claim 17

Independent claim 17 is amended to incorporate the features of claim 21, which the Examiner indicated was allowable. Accordingly, it is believed that claim 17 is now considered allowable by the Examiner.

New Independent Claim 25

It is submitted that new independent claim 25 is allowable for at least similar reasons as amended claim 17.

Dependent Claims

It is submitted that the dependent claims are also allowable by virtue of depending from allowable independent claims, and further in view of the additional features recited therein.

Conclusion

All objections and rejections having been addressed, it is submitted that the present application in condition for allowance, and a notice to that effect is respectfully solicited. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number below.

Respectfully Submitted,

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